

REMARKS

Examiner's Rejections

The foregoing Amendment and remarks which follow are responsive to the initial Office Action mailed May 5, 2004. In that Office Action, the Examiner rejected Claims 20-23, 25 and 27-47 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over US Patent No. 6,617,511.

Additionally, the Examiner rejected Claims 20-23, 29-32, 34-36, 38-39, 41-43 and 46 under 35 U.S.C. 102(b) as being anticipated by Comerci et al. (5,380,951). Furthermore, the Examiner rejected Claims 27-28, 37, 44 and 47 under 35 U.S.C. 103(a) as being unpatentable over Comerci et al. (5,380,951) in view of Moss (6,311,637). Finally, the Examiner rejected Claims 33 and 40 under 35 U.S.C. 103(a) as being unpatentable over Comerci et al. (5,380,951).

Traversal of Rejection of Claims 20-23, 25 and 27-47 under the Judicially Created Doctrine of Obviousness-Type Double Patenting

In response to the Examiner's rejection of Claims 20-23, 25 and 27-47 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over US Patent No. 6,617,511, Applicants have submitted a terminal disclaimer in compliance with 37 CFR § 1.321(c).

As such, Applicants respectfully submit that the submission of the terminal disclaimer overcomes the Examiner's rejection of Claims 20-23, 25 and 27-47 under the judicially created doctrine of obviousness-type double patenting.

Amended Independent Claims 20 and 38

Applicants set forth below their arguments for amended base Claims 20 and 38 in numerical order in the interest of clarity and to assist the Examiner in facilitating the prosecution of the subject patent application. In this regard, Applicants will lay out the substantial distinctions between the present invention (as recited in amended base Claims 20 and 38) and the prior art references cited thereagainst, namely, Comerci.

1. The Present Invention in Amended Base Claims 20 and 38

Applicants have amended base Claims 20 and 38 which are believed to incorporate features that are novel over the relevant prior art references, namely, *Comerci*. The proposed amendments are not believed to add new matter or necessitate further searching.

The power distribution system of the present invention, as reflected in amended base Claims 20 and 38, includes the emphasized feature of a second set of wires including a plurality of input wires and a plurality of output wires corresponding to the input wires. As will be demonstrated below, Applicants respectfully submit that such recitation of elements, along with other enumerated elements of amended base Claims 20 and 38, will be sufficient to patentably distinguish the present invention over the cited prior art of relevance, namely, *Comerci*.

2. Rejection of Independent Claims 20 and 38 under 35 U.S.C. §102(b)

Independent Claims 20 and 38 were rejected under 35 U.S.C. 102(b) as being anticipated by Comerci.

In rejecting Claim 20 under 35 U.S.C. 102(b), the Examiner indicates that *Comerci* discloses “a power distribution system comprising: a junction box 20 ..., a first set of wires extending into the junction box..., a second set of wires extending into the junction box...; a hub 22 mounted in the junction box...comprising plural slots 22c... and a plurality of first conductive paths forming a first electric circuit with the plural slots and individual wires of the first set of wires...”

The Examiner further indicates that the hub further comprises “a plurality of second conductive paths forming a second electric circuit with individual wires of the second set of wires..., where the first and second circuits are electrically isolated from each other; and a junction device attached to the junction box...” (Initial Office Action, Pages 3-4).

3. The Standard for 35 U.S.C. §102 Rejection

As is well-known, anticipation cannot be established unless a single prior art reference discloses each and every element of the claimed invention. Structural Rubber Co. v. Park Rubber Co., 749 F.2d 707, 223 U.S.P.Q. 1264 (Fed. Cir. 1984). Further, for anticipation to apply, all of the claimed elements must be found in exactly the same situation and united in the same way to perform the identical function in a single unit of the prior art. (See, e.g., Studiengesellschaft Kohle m.b.H. v. Dart Industries, 762 F.2d 724, 726, 220 U.S.P.Q. 841, 842 (Fed. Cir. 1984)). Even further, any inherency which is applied in the context of anticipation “does not embrace

probabilities or possibilities.” Trintec Industries Inc. v. Top-U.S.A. Corp., 63 U.S.P.Q.2d 1597, 1601 (Fed. Cir. 2002) (holding of no express or inherent anticipation in a scenario where a catalog taught printing methods but not “creating” anything in a computer as the latter was not disclosed therein). As will be demonstrated below, Comerci fails to anticipate the present invention in view of such legal standard.

4. Traversal of Rejection Under 35 U.S.C. §102(b)

Applicants submit that, as understood, the cited prior art references, when taken either alone or in any proper combination, do not teach or suggest the combination of features of the present invention. More specifically, the cited prior art references are not understood to teach or suggest the combination of features including a second set of wires including a plurality of input wires and a plurality of output wires corresponding to the input wires, as claimed in amended Claims 20 and 38. Even though the Comerci reference is understood to be generally directed toward an outlet assembly for interconnecting electrical components, Comerci is not understood to disclose the present invention’s specific combination of elements as recited in amended independent Claims 20 and 38.

With respect to the features recited in amended independent Claims 20 and 38, Applicant’s submit that the outlet assembly of Comerci fails to disclose the concept of the second set or wires including a plurality of input wires and a plurality of output wires corresponding to the input wires. More specifically, in Sketch A, which was included with the Office Action, the Examiner references a first set of wires extending into an upper portion (indicated on Sketch A as “first area”) of the junction box. In addition, in Sketch A, the Examiner references a second set of wires extending into a lower portion (indicated on Sketch A as “second area”) of the junction box. The Examiner indicates in the Office Action that “a plurality of second conductive paths [form] a second electric circuit with individual wires of the second set of wires.” The Examiner also indicates in the Office Action that the first set of wires form part of a first circuit and that the second set of wires form part of a second circuit. The Examiner further states that the “first and second circuits are electrically isolated from each other”. (Initial Office Action, Pages 3-4). However, even agreeing with the Examiner’s position, Applicant’s nonetheless maintains the patentability of the present invention.

First, as understood, Comerci does not feature the second set or wires including a plurality of input wires and a plurality of output wires corresponding to the input wires. Rather, Comerci is believed to disclose a wholly different arrangement of the second set of wires which is unrelated to the arrangement of the second set of wires of the present invention. More specifically, Applicant submits that the second set of wires of Comerci fails to include input wires and corresponding output wires that are electrically interconnectable by means of the second set of conductive paths. Moreover, Applicant respectfully submits that Comerci is silent as to such concept. For example, Figures 1 and 2 of Comerci are understood to show only a single ribbon cable 12 (equivalent to the second set of wires 204 of Applicants' invention) extending into the lower portion (the "second area" on Sketch A) of the cable tap assembly 22 (equivalent to the hub 104 of Applicants' invention). Even assuming that the individual wires of the ribbon cable which extend into the second area as shown in Sketch A are understood to be input wires, Applicants submit that Comerci fails to disclose output wires that correspond to the input wires. In this respect, Applicants submit that Comerci fails to disclose such emphasized feature of amended Claims 20 and 38.

Applicants therefore respectfully submit that amended base Claims 20 and 38 are allowable. Insofar as amended base Claim 20 is believed to be allowable, its dependent claims, namely Claims 21-23, 25 and 27-37 are also believed to be allowable as they are further limitations of Claim 20. Likewise, because amended base Claim 38 is believed to be allowable, its dependent claims, namely Claims 39-47 are also believed to be allowable as they are further limitations of Claim 38.

5. Rejection of Independent Claims 27-28, 33, 37, 40, 44 and 47 under 35 U.S.C. §103(a)

Claims 27-28, 37, 44 and 47 were rejected under 35 U.S.C. §103(a) as being unpatentable over Comerci in view of Moss (6,311,637). Claims 33 and 40 were rejected under 35 U.S.C. §103(a) as being unpatentable over Comerci.

In rejecting Claims 27-28, 37, 44 and 47 under 35 U.S.C. §103(a), the Examiner indicates that "Comerci et al disclose all the features of the claimed invention as shown above, but fails to disclose a plurality of color coding patches that correspond to individual wires in the first set of wires.." The Examiner then indicates that "Moss teaches the use of a plurality of color coding patches that correspond to individual wires in the first set of wires..." and that "it would have been

obvious...to provide the assembly of Comerci et al with a plurality of color coding patches...as taught by Moss in order for identifying a wire associated with a particular circuit or to be installed in a particular electrical circuit". (Initial Office Action, Pages 7-8).

In rejecting Claims 33 and 40 under 35 U.S.C. §103(a), the Examiner indicates that "Comerci et al discloses all the features of the claimed invention as shown above, but fails to disclose the first area is distinguishable from the second area because the first and second areas are colored differently" and that "it would have been an obvious matter of design choice to use the first area [as] distinguishable from the second area..." (Initial Office Action, Page 8).

6. Traversal of Rejection Under 35 U.S.C. §103(a)

As described above, Comerci does not appear to teach or suggest the feature of the second set or wires including a plurality of input wires and a plurality of output wires corresponding to the input wires as claimed in amended base Claims 20 and 38. Likewise, neither Comerci nor the combination of Comerci and Moss, appear to teach the feature of the second set or wires including a plurality of input wires and a plurality of output wires corresponding to the input wires.

Applicants submit that because Comerci and Moss, either taken alone or in combination, fail to teach every element as claimed, a prima facie case of obviousness is not established and the rejection is therefore traversed. For this reason, Claims 21-23, 25 and 27-37, which are dependent upon amended base Claim 20, and Claims 39-47 which are dependent upon amended base Claim 38, are believed to be patentable over the cited and applied references.

Request for Allowance

In view of the foregoing, Applicants submit that, upon entry of the amendments, all the stated grounds of rejections have been overcome and that Claims 20-23, 25 and 27-47 are in condition for allowance. An early Notice of Allowance is therefore respectfully requested.

Should the Examiner have any suggestions for expediting allowance of the application, please contact Applicant(s) representative at the telephone number listed below.


If any additional fee is due, please charge deposit account 19-4330.

Respectfully submitted,

Date: August 24, 2004

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IN THE DRAWINGS:

Please consider the replacement drawing which is submitted herewith in order to clarify the invention and to conform to the claims and specification as originally filed. More specifically, the perspective view of the hub illustrated in Fig. 9 is revised such that a portion of the wires extending from the hub and formerly indicated by reference numerals 210a, 210b and 210c, are now additionally indicated by reference numerals 211a, 211b and 211c. Applicant's submission of such replacement drawing does not add new matter as the wires were originally disclosed in the specification as including input wire 210a, 210b and 210c as well as output wires 211a, 211b and 211c. (Specification, Paragraph [0063]).